



## The publication of a parliamentary investigation into a politician allegedly seeking financial reward in exchange for his influence was justified

In its decision in the case of [Hoon v. the United Kingdom](#) (application no. 14832/11) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the investigation into Mr Hoon's conduct by parliamentary authorities after he had been involved in an undercover 'sting' operation by a journalist posing as a prospective business associate. Mr Hoon was found to have brought Parliament into disrepute for having allegedly offered his parliamentary expertise to external commercial interests in exchange for financial reward.

The Court found that the parliamentary proceedings in question did not attract the application of the right to a fair hearing because they did not determine or give rise to a dispute as to the applicant's civil rights. It considered that the parliamentary investigation and report, whose principal sanction was negative publicity for Mr Hoon, was published because there was a legitimate public interest in knowing the outcome of the investigation and the complaint about the applicant's conduct as an MP.

### Principal facts

The applicant, Geoffrey William Hoon, is a British national who was elected as a Member of Parliament ("MP") for the Labour Party in 1992 and remained an MP until 2010.

In 2009, after leaving his last ministerial post, Mr Hoon took up a voluntary position as one of twelve special advisors to the Secretary General of NATO. In this position, Mr Hoon was involved in the drafting of a report advising on a new "Strategic Concept" for that organisation.

On 17 February 2010, Mr Hoon received an email sent on behalf of an organisation that purported to be a US communications company. A business meeting was arranged, during the course of which the applicant made a number of comments as to his former and current work, and as to his future employment plans.

It later transpired that the organisation which interviewed Mr Hoon was not a legitimate entity; it was in fact fictitious and was devised as part of a set-up by an undercover reporter working for The Sunday Times and Channel Four's television programme "Dispatches". The meeting had been recorded without Mr Hoon's knowledge and was subsequently published in The Sunday Times and broadcast as part of "Dispatches".

Another MP subsequently wrote to the Parliamentary Commissioner for Standards ("the Commissioner") to make a formal complaint about Mr Hoon under the Code of Conduct for Members of Parliament ("the Code"). It was alleged that Mr Hoon had offered his parliamentary expertise to external commercial interests in exchange for financial reward.

The Commissioner concluded in a report dated 22 November 2010 that Mr Hoon had breached the Code in two ways, and that these breaches had brought the House of Commons into disrepute.

The report was passed to the (then) Standards and Privileges Committee for consideration. Mr Hoon was able to send written evidence to the Committee and attend a hearing on the matter. The Committee agreed with the Commissioner and recommended that Mr Hoon apologise to the House of Commons and that his entitlement to a House of Commons photo pass be revoked for five years.

On 15 December 2010 the Committee's report was approved by resolution of the House of Commons.

The matter received extensive attention from the media.

## Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 31 January 2011.

Relying on Article 6 § 1 (right to a fair hearing) and Article 8 (right to respect for private and family life), Mr Hoon complained about the widely publicised decisions of the Commissioner against him as approved by the Committee and the House of Commons.

Relying on Article 13 (right to an effective remedy), Mr Hoon complained that there was no remedy under English law that allowed judicial proceedings to be brought to challenge the decisions or actions in relation to his complaints before Parliament.

The decision was given by a Chamber of seven, composed as follows:

Ineta Ziemele (Latvia), *President*,  
George Nicolaou (Cyprus),  
Ledi Bianku (Albania),  
Nona Tsotsoria (Georgia),  
Zdravka Kalaydjieva (Bulgaria),  
Paul Mahoney (the United Kingdom),  
Faris Vehabović (Bosnia and Herzegovina), *Judges*,

and also Françoise Elens-Passos, *Section Registrar*.

## Decision of the Court

### Article 6 § 1 (right to a fair hearing)

It is the well-established case-law of the Court that the right to stand for election and to keep one's Parliamentary seat is a political right and not a civil one within the meaning of Article 6 § 1. Therefore, the parliamentary proceedings in question, concerning breaches of the Code of Conduct for MPs, did not attract the application of Article 6 § 1 as they did not give rise to a dispute concerning Mr Hoon's civil rights. Accordingly, the complaint under Article 6 was considered incompatible with the Convention. It therefore rejected this complaint as being inadmissible.

### Article 8 (right to respect for private and family life)

The Court noted that the Committee had acknowledged that the principal sanction of both the investigation and the report would be damage to Mr Hoon's reputation and that the widely publicised decisions against him could therefore be taken as constituting an interference with his rights under Article 8 of the Convention. That interference and the fact that he could not challenge the proceedings against him as they were protected by parliamentary immunity, had been in accordance with the law, as it followed the procedure set out in the internal rules of the House of Commons. Furthermore, that interference pursued the legitimate aim of protecting the right to freedom of speech in Parliament and maintaining a separation of powers between the legislature and the judiciary.

Furthermore, the public had a legitimate interest in being informed of the parliamentary proceedings and their outcome, which would have been undermined if those proceedings had not been public in nature. The procedure had allowed Mr Hoon a fair opportunity to defend his interests both as a public office holder, and as a private individual. Had he chosen to do so, he could have

challenged the factual allegation by bringing proceedings against the television company or the newspaper.

The Court was therefore satisfied that, in making public the findings of the parliamentary investigation decision into Mr Hoon's conduct as a MP, that the interference with Mr Hoon's private life had been proportionate to the interests of the public in being aware of such proceedings and their outcome. Accordingly, the Court found Mr Hoon's complaint under Article 8 to be manifestly ill-founded and rejected it.

#### [Article 13 \(right to an effective remedy\)](#)

Since the Court had rejected Mr Hoon's complaints under Article 6 and Article 8, it considered that Article 13 of the Convention was not engaged. It followed that that complaint was also incompatible with the Convention and rejected it.

*The decision is available only in English.*

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